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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,887	02/11/2004	Colin Temple	HES 2003-IP-009967UIP1	3325
28857	7590	08/23/2007	EXAMINER	
CRAIG W. RODDY HALLIBURTON ENERGY SERVICES P.O. BOX 1431 DUNCAN, OK 73536-0440			FIGUEROA, JOHN J	
			ART UNIT	PAPER NUMBER
			1712	
			MAIL DATE	DELIVERY MODE
			08/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,887

Applicant(s)

TEMPLE ET AL.

Examiner

John J. Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-19,21-28,30,32-36,38-42,44,56,58-62,64-73,82-100 and 102-111 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/6/07 & 8/7/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1,3-19,21-28,30,32-36,38-42,44,56,58-62,64-73,82-100 and 102-111.

DETAILED ACTION

Response to Amendment

1. The 35 U.S.C. 102 rejection of claims 30, 32, 36, 38-40, 56, 62, 64, 65, 70, 71, 72, 82, 83, 95, 100, 102, 103 and 108-110 over ViviPrint 540 Technical Data Sheet previously made of record in item 2 on page 2 of the Office Action mailed March 5, 2007 (hereinafter 'OA'), has been withdrawn in view of Applicant's amendment to the claims in the response to OA filed June 7, 2007 (hereinafter 'Response').
2. The 35 U.S.C. 102 rejection of claims 30, 36, 38-40, 56, 64-70, 72, 82, 83, 95, 102-108 and 110 as anticipated by Nohr (US Pat. Publ. No. 2002/0149656) has been maintained for reasons previously made of record in item 3 on page 3 of OA.
3. The 35 U.S.C. 102 rejection of claims 30, 32, 36, 40, 56, 58, 62-72, 82, 83, 95, 96 and 100-110 over Maitra (USPN 5,874,111) previously made of record in item 4 on page 3 of OA has been withdrawn in view of Applicant's amendment to the claims in Response.
4. The obviousness-type double patenting rejections over U.S. Serial Nos. 11/183,122 and 11/183,113 of record in items 6 and 7 on pages 4 and 5 of OA, respectively, have been maintained.

Response to Arguments

The Obviousness-Type Double Patenting Rejections (items 6 and 7 of OA)

5. Applicant did not present specific arguments traversing the captioned obviousness-type *provisional* double patenting rejections except to state they should be withdrawn upon allowance of the claims. However, the present claims remain rejected over prior art and are not allowable. Thus, these rejections have been maintained.

The 35 U.S.C. 102 Rejections over Viviprint and over Maitra (items 2 and 4 of OA)

6. Applicant's arguments filed regarding the captioned 35 U.S.C. 102 rejections have been fully considered but deemed moot in view of the withdrawal of these rejections due to Applicant's amendment to the claims in Response.

The 35 U.S.C. 102 Rejection over Nohr (item 3 of OA)

7. Applicant's arguments filed regarding the 35 U.S.C. 102 rejection of claims of claims 30, 36, 38-40, 56, 64-70, 72, 82, 83, 95, 102-108 and 110 as anticipated by Nohr have been fully considered but deemed unpersuasive

Applicant's principal argument is that the claims have been amended to recite a concentration range for the nanoparticle source and that Nohr does not teach this range. However, Examiner respectfully draws Applicant attention to paragraph [0096] on page 12 of Nohr, wherein Nohr disclose ranges for the concentrations of the composition components, including 20 to 95% by wt. for water and 0.5 to 20% for co-

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solvents and, thus the remainder of the composition to include, *inter alia*, the nanoparticles.

Accordingly, Nohr is disclosing the nanoparticles can be present in very miniscule amounts, e.g., less than 5%, if water is present at 95%, and even less if co-solvents are present in the composition.

Thus, the instant claims, as amended, remain anticipated by Nohr.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

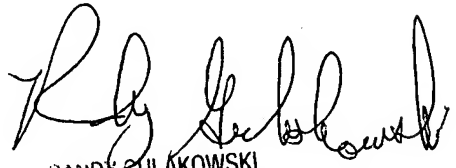
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (571) 272-8916. The examiner can normally be reached on Monday-Thurs 8:00-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJF/RAG



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